

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Kvamme Reciprocal Access Agreement
Proposed Implementation Date:	November 2011
Proponent:	MPK LCC/Kvamme Family Trust
Location:	State lands on Section 6, T31N, R22W and Section 31, T32N, R22W. Private lands on Section 1, T31N, R23W and Section 6, T31N, R22W.
County:	Flathead

I. TYPE AND PURPOSE OF ACTION

The Montana DNRC is currently working with MPK LCC/Kvamme Family Trust (MPK) to craft a reciprocal access agreement that would provide access benefits to both parties. Specifically, the DNRC would grant MPK access on a State road segment approximately .59 miles in length. MPK would grant the State access on approximately 1.81 miles of road across their property. The road and property involved is located approximately 8 miles northwest of Whitefish, in the Lazy Creek drainage.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

A public scoping letter (with an attached map) that described the proposal was sent to interested parties on August 30, 2011. A legal add was also posted in the Whitefish Pilot. Comments on the proposal were requested; the comment period was open through September 30, 2011. No comments were received.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Montana Department of Fish, Wildlife and Parks has jurisdiction over the management of wildlife in the project area. A 124 permit from Montana Fish Wildlife and Parks would be needed if future road improvements took place within the high water mark of a perennial stream.

3. ALTERNATIVES CONSIDERED:

No-Action Alternative

A reciprocal access agreement would not be granted in the proposed project area at this time. Ongoing timber management, general recreational use, fire suppression, noxious-weed control, additional requests for permits, and other ongoing management requests may occur.

This alternative can be used as a baseline for comparing the effects that the Action Alternative would have on the environment. The No-Action Alternative is considered a possible alternative for selection.

Action Alternative

A reciprocal access agreement would be granted on existing road through State land in Section 6, T31N, R22W and Section 31, T32N, R22W. The easement would be granted on a road segment that is .59 miles in length and 40 feet in width, for recreational purposes only, and not for primary or secondary legal and/or physical access for residential and/or commercial uses and/or for subdivisions. It is agreed and understood between the parties that the easement granted by the State would not be used in any manner other than as a non-commercial recreational route between MPK properties. There would be no express and/or implied legal access granted for any of MPK's properties.

In return, MPK would grant an easement to the State across their private property in Section 1, T31N, R23W and Section 6, T31N, R22W. An easement would be granted on a road segment that is 1.81 miles in length and 40 feet in width, for resource management purposes only. Under this Agreement, the State is not acquiring access rights for the public.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain *POTENTIAL IMPACTS AND MITIGATIONS* following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Soil in the proposed project area is primarily Andeptic Cryoboralfs. This soil type is underlain by neutral and alkaline, dense, brittle glacial till. The soil is suitable as a site for roads that are properly located, constructed and maintained. All roads associated with this project are existing.

If the action alternative is selected, no additional impacts to soil would be expected because no new road construction would occur as part of this proposal.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

This project lies within the Lazy Creek and Swift Creek drainages. The road segment located on MPK property crosses a perennial stream, Lazy Creek and an adjacent wetland to Lazy Creek. While no new road construction or stream crossings are proposed under either alternative, to reduce the risk of adverse direct, indirect or cumulative effects associated with use of the roads, future maintenance activities would take place during land management projects to implement Best Management Practices (BMP's) and mitigate potential sediment delivery to streams.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

None would be affected.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

None would be affected.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

No new stream crossings are associated with either alternative. The risk of adverse direct, indirect or cumulative impacts to fisheries and aquatic life would be very low.

No appreciable change to existing levels of vehicle traffic or human access would be expected under the action alternative. Thus, the risk of adverse direct, indirect or cumulative impacts to terrestrial or avian habitats would be very low.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

No Action: No change

Action Alternative: The project involves the exchange of rights on existing roads for restricted purposes only which would not alter the area considerably in terms of habitat for wildlife or plant habitat. The road is located south of the Northern Continental Divide Ecosystem (NCDE) in regard to grizzly bear (*Ursus arctos horribilis*) habitat. Road use is not expected to change substantially over the long term on a continuous basis. Bull Trout (*Salvelinus confluentus*) and Westslope cutthroat trout (*Oncorhynchus clarkia lewisi*) inhabit Swift Creek; however, the road does not cross or run directly adjacent to Swift Creek. Over time, the improvement to road drainage and crossings would likely benefit water quality and therefore fisheries in the Lazy and Swift Creek Drainages.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

No known historical features are associated with this land. Should historical archeological or cultural features be discovered during road maintenance activities, work in that area would be suspended until the site could be properly evaluated.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

There would be no affects to aesthetics.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

None would be expected.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The Beaver/ Swift/Skyles Timber Sale EA (2009) pertained to a project area directly south of the proposed reciprocal access agreement.

IV. IMPACTS ON THE HUMAN POPULATION
<ul style="list-style-type: none">• RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.• Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.• Enter "NONE" if no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

None would be affected.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

None would be affected.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

None would be affected.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

None would be affected.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

None would be affected.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The road involved goes through the Swift Creek Subarea of the Whitefish Neighborhood Plan on State Lands. The State land involved is classified forest land that falls under the State Forest Land Management Plan (SFLMP) on June 17, 1996. On March 13, 2003, the Department adopted Administrative Rules for Forest Management (Forest Management Rules) (*Administrative Rules of Montana [ARM] 36.11.401 through 456*)

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The project area is behind a private, gated road; therefore, recreation access is limited. No effects are expected.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

None would be affected.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

None would be affected.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

If a reciprocal access agreement were granted, the State would gain access to approximately 1427 acres of classified forest land for future forest management activities which would generate substantial revenue. In addition, the land being accessed would increase in value with the enhanced access. The State would also realize cost savings of utilizing existing, constructed road and associated infrastructure that is estimated to

be worth \$154,216.00. The State Normal School and Montana State University 2nd grant Trusts would benefit from acquiring this access.

EA Checklist Prepared By:	Name: Nicole Stickney	Date: October 10, 2011
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V. FINDING

25. ALTERNATIVE SELECTED:

I select the Action Alternative. This action supports DNRC's mission to administer Trust Lands to produce the largest measure of reasonable and legitimate return. It is compatible with the local plans and the State Forest Land Management Plan. This alternative should facilitate active forest management, revenue generation and enhance the value of Trust Lands involved.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I find that implementing the Action Alternative will not have significant impacts on the human environment.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

EA Checklist Approved By:	Name: Brian Manning
	Title: Unit Manager, MT DNRC Stillwater Unit
Signature: /s/ Brian Manning	Date: 10/18/2011